IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark Donner et al.   Art Unit : 2157
Serial No. : 09/624,191   Examiner : Hussein A El Chanti
Filed   : July 24, 2000
Title   : INSTANT MESSAGING CLIENT HAVING AN EMBEDDED BROWSER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.131

I, Mark Donner, hereby declare as follows:

1.   I have read and understood the text of U.S. Application No. 09/624,191 (the '191 application), which discloses an invention for which I am one of the inventors.

2.   On or prior to February 28, 2000, I implemented and practiced the methods, computer programs, and apparatus described in paragraph 6 of this document.

3.   The attached pages are photocopies of:

a) A redacted e-mail message dated at least as early as February 28, 2000 (Exhibit 1) describing a stock alarm system for alerting a client of a state change at a remote computer. The e-mail includes screen shots of a preference panel for stock alarms that is similar to Fig. 10 in the '191 application, an add/edit dialog box that is similar to Fig. 9 in the '191 application, and a stock alarm window that is similar to Fig. 11 in the '191 application. The screen shot similar to Fig. 10 in the '191 application shows a stock alarm screen with an indication of whether a stock alarm has tripped, the stock symbol, and alarm text, options to add, edit or remove stocks, an option to reset an alarm, and an option to check stock alarms only on weekdays and/or between certain times. The screen shot similar to Fig. 9 in the '191 application shows an option to enables a stock alarm for a given ticker symbol, set criteria for the notification, and choose the method of notification. The screen shot similar to Fig. 11 in the '191 application shows a stock alarm that provides indication of the stock price and other data, an option to provide a chart, and a "more

Applicant : Mark Donner et al.
Serial No. : 09/624,191
Filed : July 24, 2000
Page : 2 of 5

Attorney's Docket No.: 06975-
100001 / Communications 23

info" option. The e-mail message of Exhibit 1 states that the stock alarm is to be provided via host-based alerts.

b) A redacted e-mail message dated at least as early as February 28, 2000 (Exhibit 2) responding to and including at least a portion of the e-mail message of the Exhibit 1, and describing a stock alarm system for alerting a client of a state change at a remote computer.

c) A redacted e-mail message dated at least as early as February 28, 2000 (Exhibit 3) responding to and including a portion of at least one of the e-mail messages of Exhibits 1 and 2, and describing a stock alarm system for alerting a client of a state change at a remote computer. The e-mail message of Exhibit 3 describes the notification in the context of the AIM instant messaging system.

d) A redacted e-mail message dated at least as early as February 28, 2000 (Exhibit 4) responding to and including a portion of at least one of the e-mail messages of Exhibits 1, 2 and 3, and describing a stock alarm system for alerting a client of a state change at a remote computer.

e) A redacted e-mail message dated at least as early as February 28, 2000 (Exhibit 5) responding to and including a portion of at least one of the e-mail messages of Exhibits 1, 2, 3 and 4, and describing a stock alarm system for alerting a client of a state change at a remote computer.

f) A redacted e-mail message dated at least as early as February 28, 2000 (Exhibit 6) responding to and including at least a portion of the e-mail message of Exhibit 1, and describing a stock alarm system for alerting a client of a state change at a remote computer. The e-mail message of Exhibit 6 includes revised screen shots corresponding to the screen shots described above with respect to Exhibit 1.

g) A redacted e-mail message dated at least as early as February 28, 2000 (Exhibit 7) describing a stock alarm system for international stocks that alerts a client of a state change at a remote computer. The e-mail includes screen shots of a Preference screen, an Add a Stock screen, an Add Indices screen, a Stock Table screen, an Edit a Stock screen, and an Edit Index screen that is similar to Fig. 8 in the '191 application. In particular, the screen shot that is similar

. to Fig. 8 in the '191 applications includes options for a news ticker and a stock ticker, an option
to edit stocks, refresh at a periodic time interval, and show a stock ticker in an instant messaging
buddy list window.

     h) A redacted e-mail message dated at least as early as February 28, 2000 (Exhibit 8)
responding to and including at least a portion of the e-mail message of the Exhibit 7, and
describing a stock alarm system for international stocks that alerts a client of a state change at a
remote computer.

     i) A redacted e-mail message dated at least as early as February 28, 2000 (Exhibit 9)
responding to and including at least a portion of the e-mail messages of the Exhibits 7 and 8, and
describing a stock alarm system for international stocks that alerts a client of a state change at a
remote computer.

     The system described in Exhibits 1-9 corresponds to the methods, computer programs,
and apparatus claimed in the '191 application.

     4.   The e-mail messages listed in paragraph 6 were produced or written by my co-
inventors and/or me on or prior to February 28, 2000. The e-mail messages were produced in the
ordinary course of business in the United States.

     5.   The system described in the e-mail messages includes the method, computer
program, and apparatus described in paragraph 6 of this document.

     6.   With respect to independent claims 1, 12, and 19 of the '191 application, I
implemented and practiced a method, a computer program and an apparatus that alerted a client
of a state change at a remote server. Specifically, a user profile was created indicating a
preference to receive at least one alert corresponding to a change in state at the remote server
(e.g., Exhibits 1 & 7), a connection was made to a communications system including the remote
server (e.g., Exhibit 3, reference to operations over "AIM"), an address for the remote server was
generated from the user profile, navigation transpired to the address of the remote server, data

corresponding to a particular type of alert was retrieved from the remote server, and the retrieved data was used in delivering an alert to the client (e.g., Exhibit 3, reference to operations over "AIM"). The method, computer program and apparatus also implemented the subject matter of dependent claims 2-11, 13-16, and 18-20 of the '191 application.

7. Notably, a parenthetical reference is not made above with respect to generating an address for the remote server from the user profile, navigating to the address of the remote server, and retrieving data corresponding to a particular type of alert from the remote server. Nevertheless, each of these elements was performed by the system described herein. An address for a remote server, such as a server of the "AIM" instant messaging system referred to in Exhibit 3, was generated by the user's client system from the user profile (the user profile was generated through user interaction with a user interface (UI), such as the UIs shown in Exhibits 1 & 7, as referred to above in Paragraph 6 of this declaration). Navigation took place to the URL by, for example, an HTTP engine embedded within the IM client application, such as the AIM client application. Data corresponding to a particular type of alert, such as a stock alert, was retrieved from the remote server, such as a server of the AIM instant messaging system.

Applicant : Mark Donner et al.
Serial No. : 09/624,191
Filed   : July 24, 2000
Page   : 5 of 5

Attorney's Docket No.: 06975-
100001 / Communications 23

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Signed and Declared at _Dulla Virginia_ this _14_ day of January, 2004

Mark Donner

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